

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

VS.

James Alvin Castleman

Defendant .

CR. NO. 08-20420-M1

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is Defendants' Motion to Dismiss Indictment Pursuant to Rule 12(b) (DE# 52) and Motion to Dismiss Indictment for Want of Venue, and/or in the Alternative, Motion to Transfer Case from the Western Division to the Eastern Division of the WDTN (DE #53) filed on September 8, 2009.

The Court referred both motions to Magistrate Judge Charmaine G. Claxton for a Report and Recommendation on September 8, 2009. Magistrate Judge Claxton held a hearing on both motions on December 10, 2009. On February 4, 2010, Magistrate Judge Claxton entered a Report and Recommendation recommending denying both motions. Objections to the Magistrate Judge's order were due by February 18, 2010.

The time period for objections to the Report and Recommendation having expired, and no objections having been filed, it is therefore ORDERED, ADJUDGED, AND DECREED that the Report and Recommendation of the Magistrate Judge is ADOPTED and the Court hereby DENIES both the Defendants' Motion to Dismiss Indictment Pursuant to Rule 12(b) (DE# 52)

and Motion to Dismiss Indictment for Want of Venue, and/or in the Alternative, Motion to Transfer Case form the Western Division to the Eastern Division of the WDTN (DE #53).

s/Jon Phipps McCalla
UNITED STATES DISTRICT JUDGE

DATE: February 22, 2010